

**MINUTES OF A REGULAR MEETING OF
THE TORRANCE PLANNING COMMISSION**

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:02 p.m. on Wednesday, July 8, 2009 in the Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Browning.

3. ROLL CALL

Present: Commissioners Browning, Busch, Gibson, Horwich, Skoll, and Chairperson Weideman.

Absent: Commissioner Uchima.

Also Present: Planning Manager Lodan, Planning Assistant Graham, Plans Examiner Noh, Associate Civil Engineer Symons, Deputy City Attorney Sullivan and Fire Marshal Kazandjian.

MOTION: Commissioner Browning moved to grant Commissioner Uchima an excused absence for this meeting. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

4. POSTING OF THE AGENDA

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Friday, July 2, 2009.

5. APPROVAL OF MINUTES

MOTION: Commissioner Gibson moved for the approval of the May 20, 2009 Planning Commission minutes as submitted. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote (absent Commissioner Uchima).

6. REQUESTS FOR POSTPONEMENTS

Planning Manager Lodan relayed the applicant's request to continue Agenda Item 9A (CUP09-00008: Fiedler Group/Toyota Motor Company) to August 19, 2009.

Commissioner Busch requested that staff provide information concerning whether or not there are any other hydrogen fueling stations in Torrance and if so, how their permits were processed when Item 9A is brought back to the Commission.

Commissioner Browning indicated that he favored continuing the hearing on Item 9A to a date uncertain so that it would have to be re-advertised/re-noticed and it was the consensus of the Commission to do so.

MOTION: Commissioner Browning moved to continue Agenda Item 9A to a date uncertain. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote (absent Commissioner Uchima).

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Chairperson Weideman reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

7. **ORAL COMMUNICATIONS #1** – None.

8. **TIME EXTENSIONS** – None.

9. **CONTINUED HEARINGS**

9A. **CUP09-00008: TODD MANNER – FIEDLER GROUP (TOYOTA MOTOR COMPANY)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction and operation of a new hydrogen fueling station with a learning center on a portion of an existing parking lot on property located in the M-1/P-1 Zones at 2055 190th Street.

Item was continued to a date uncertain.

10. **WAIVERS** – None.

11. **FORMAL HEARINGS**

11A. **CUP09-00009: SOUTH COAST SOCCER CITY, LLC (ADMA ASSOCIATES LLP)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of an indoor sports and training facility on property located in the M-2 Zone at 540 Maple Avenue.

Recommendation

Approval.

Planning Assistant Graham introduced the request and noted supplemental material available at the meeting consisting of a revised condition of approval (No. 6) and correspondence received after the agenda item was completed.

Paul Higgins, South Coast Soccer City, LLC, applicant, provided background information about the project, noting that he grew up in England and has a passion for soccer and the proposed soccer facility/training center is the realization of his dream.

Kevin Gilmore, South Coast Soccer, LLC, explained that there are not enough soccer fields in the South Bay to accommodate youth and adult soccer leagues and since real estate in the area is too expensive to buy land for outdoor fields, utilizing an existing industrial building makes the project financially viable.

Referring to renderings to illustrate, Mr. Gilmore reviewed the layout of the facility, which will include three board-enclosed turf arenas and four futsal fields. He reported that the facility will provide a safe environment where children can play soccer year round at a reasonable price, with yearly fees to be in the range of \$325 - \$375. He explained that he and Mr. Higgins and their family and friends are providing the funding for the project; that they will have a 45-day window to install the equipment once the lease has been finalized and the required permits have been issued; that they believe it

is critical for the facility to open no later than November 1st so they can capitalize on the fall soccer season; and that they plan to offer 1 hour free to AYSO and club teams in order to introduce them to the facility.

Mr. Gilmore reported that they envision adult pick-up soccer games from 6:00 – 8:00 a.m.; programs for home-schooled children, “mommy and me” leagues, police and fire leagues and other daytime programs from 8:00 a.m. to 4:00 p.m.; and youth and adult leagues from 4:00 p.m. to midnight, with adult leagues confined to the later hours. He related his belief that the parking provided is ample, noting that there will also be street parking available on Maple during peak hours and weekends. He reported that the facility will include a physical rehabilitation clinic and they have been in discussions with a leading orthopedic surgeon to staff it. He advised that there will be a security guard on staff, who will monitor the front door from 6:00 p.m. to midnight and help shut down the building and make sure the parking lot is closed.

Mr. Gilmore and Mr. Higgins voiced their agreement with the recommended conditions of approval, including the modified condition in the supplemental material.

There was discussion of changing the closing time from midnight to 11:00 p.m., and Mr. Gilmore and Mr. Higgins indicated that they were amenable to that change, but would like an opportunity to request the midnight closing time in the future if they find there is need and they can demonstrate that there have been no problems associated with the facility.

Commissioner Skoll stated that he did not object to the midnight closing time, but would support changing it to 11:00 p.m. since the applicants have agreed to it. He reported that he visited the facility earlier in the day and was very impressed, particularly with regard to security measures to protect children, and as a former AYSO soccer coach and K Division commissioner, he believes the facility belongs in Torrance. He requested additional information regarding food service, the selling of merchandise and the homework room.

Mr. Gilmore reported that there will be a small area for selling soccer-related merchandise, such as shoes and jerseys, and that there will be a juice bar offering snacks, muffins and deli sandwiches, with no food prepared on site. With regard to the homework room, he explained that they envision partnering with the local school district to provide after-school programs that offer one hour of homework time/one hour on the soccer field and they plan to offer the same type of program for home-schooled children. He noted that they are considering hiring a credentialed teacher to run the youth program.

At 7:45 p.m., Deputy City Attorney Sullivan requested a recess to research a legal issue involving the proximity of Commissioner Busch’s residence to this project.

The Commission reconvened briefly at 7:55 p.m. and subsequently recessed again because further clarification was needed concerning the City’s conflict-of-interest rules versus the State’s.

The Commission reconvened at 8:30 p.m.

Commissioner Busch explained that he does not live within 500 feet of the proposed project, however he lives in a planned development which has a common area (private street) that falls within 500 feet, therefore, on the advice of legal counsel, he was

recusing himself from this hearing due to a possible conflict of interest. He asked that any comments he has made be stricken from the record and exited the dais.

Deputy Attorney Sullivan noted that the fact that the planned development in which Commissioner Busch lives has a common area within 500 feet of the project was not discovered until this hearing. He advised that while TMC §95.1.5 specifies a 300-foot notification area, the City has adopted Fair Political Practices Act §18704.2, which extends the area to 500 feet, and out of an abundance of caution, he has recommended that Commissioner Busch recuse himself from this hearing. He related his understanding that this is the first time this issue has come up.

Chairperson Weideman requested that staff research this issue so there would be no confusion if it comes up again in the future.

Commissioner Browning asked about Mr. Gilmore's comment that street parking could be used for overflow parking for the facility. Planning Manager Lodan advised that there was nothing to prevent users of this facility from parking on the street, noting that permit parking has been established for the nearby residential area so it would not be impacted.

Mr. Gilmore related his belief that the 135 parking spaces provided will be more than adequate for the facility.

A brief discussion ensued regarding whether or not the existing security fence and gate on the property should be removed, with Commissioner Browning and Commissioner Skoll indicating that they favored retaining the fence for security reasons.

Mr. Gilmore explained that they would like to remove the fence due to concerns that children would be at risk for injury by vehicles coming in and out of the driveway, and Commissioner Browning suggested a separate pedestrian gate.

Referring to Mr. Gilmore's comments about hiring a credentialed teacher, Commissioner Browning wanted to make clear that the applicant may not operate a school at this location. Mr. Gilmore clarified that he was just seeking someone qualified to run youth programs.

In response to Commissioner Gibson's inquiry, Mr. Gilmore reported that they plan to have 5-18 full-time and part-time employees; that all employees will undergo Live Scan background checks; and that childcare will only be available for people using the facility, with a maximum of 20 children on a field at one time and 2 counselors for every 10 children.

Commissioner Gibson questioned how late children under 18 will be able to stay at the facility. Mr. Gilmore stated that he hadn't given that issue any thought, however, youth leagues will probably not go any later than 8:00 p.m.

Commissioner Gibson asked if they planned to offer massage therapy, and Mr. Gilmore explained that they will only be offering treatments for the rehabilitation of sports injuries.

Commissioner Horwich requested clarification of the number of yearly tournaments, and Planning Manager Lodan advised that no more than 4 tournaments will be allowed per year and the applicant will be required to obtain approval from the

Community Development Director for each tournament or large event per revised Condition No. 6.

With regard to the security fence, Mr. Gilmore explained that the business that formerly occupied the site required a security fence because there was a shipping dock with merchandise that needed to be secured, but they would like to remove the barbed-wire fence because they feel it creates the perception that this is an unsafe area. He noted that Body Glove, which is directly adjacent, has no fencing.

Commissioner Browning voiced his opinion that it was in the best interest of the applicants to retain the perimeter fencing for the safety of their clients, pointing out that the barbed wire on top of the fence could be removed.

Commissioner Skoll noted his concurrence with Commissioner Browning's remarks. He voiced support for the project and commended the applicants for the well thought out design.

Commissioner Gibson asked if the project has been fully funded.

Mr. Higgins stated that they still have some hurdles to clear before funding can be secured, including the approval of the Conditional Use Permit, and they won't do anything until all funding for the project is in place.

Commissioner Gibson indicated that she also supported the project and her only concern was the midnight closing time because it would be at least an hour after closing time before everyone has left.

Mr. Gilmore stated that he had no objection to the 11:00 p.m. closing time.

Commissioner Browning related his belief that the site was suitable for this project and he favored allowing the applicant to work with staff on the finer details, such as the security gate.

MOTION: Commissioner Horwich moved for the approval of CUP09-00009, as conditioned, including all findings of fact, with the following modification:

Add

- That the hours of operation shall be from 6:00 a.m. to 11:00 p.m.

The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioners Busch and Uchima).

In response to Chairperson Weideman's inquiry, Planning Manager Lodan confirmed that the matter will be brought back before the Commission if the applicant wishes to extend the hours of operation until midnight.

Planning Assistant Graham read aloud the number and title of Planning Commission Resolution No.09-034.

MOTION: Commissioner Browning moved for the adoption of Planning Commission Resolution No. 09-034 as amended. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioners Busch and Uchima).

Commissioner Busch returned to the dais.

11B. PRE09-00002: CBB ARCHITECTS (NGOCANH THI NGUYEN)

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 5312 Bindewald Road.

Recommendation

Approval.

Planning Assistant Graham introduced the request.

Charles Belak-Berger, CBB Architects, voiced his agreement with the recommended conditions of approval. He reported that the applicant has agreed to lower the ridge height by 18 inches; remove the roof over the rear balcony; and modify/eliminate windows as detailed in the staff report to address concerns of the neighbor to the west.

Commissioner Busch questioned whether the applicant had considered a one-story residence. Mr. Belak-Berger stated that he wouldn't recommend a one-story home for this site because the lot coverage would be excessive and it would impact other neighbors, especially the one on the downhill slope.

Commissioner Busch noted that in order to exceed an FAR (floor area ratio) of 0.50 or increase the height beyond that of the existing structure an applicant must demonstrate that being confined to these limits would constitute an unreasonable hardship. He doubted that the reason cited in the application – that the applicants have a large extended family - qualifies as a hardship when a 4,000 square-foot home could be built on a single level without exceeding these limits. He noted that it's also mentioned that there are other two-story homes in the immediate vicinity, however, they could be on smaller lots where adding a second story was the only option.

Mr. Belak-Berger stated that he could downsize the project, but believes the proposed two-story design works best on this site and works best for the property owners.

Commissioner Busch voiced his opinion that the project violates the Hillside Ordinance as proposed because it would block views of the skyline and cast a shadow on the property to the west and related his belief that it was too large and too tall.

Commissioner Skoll noted his concurrence with Commissioner Busch's remarks. He reported that he visited the site and observed that the project would loom over the property at 5316 Bindewald, blocking sunlight and a view of the sky.

Commissioner Skoll requested clarification of the property's ownership, and Mr. Belak-Berger reported that the property is owned by Tom Le and his wife Ngocanh Thi Nguyen.

Commissioner Browning stated that he had several concerns about this project, including the fact that the silhouette does not match what the Commission was being asked to approve. He voiced his opinion that the FAR should be reduced to 0.50 in compliance with the Hillside Ordinance. Noting that Condition No. 6 requires the use of obscured glass for the Code required window in Bedroom 3 to address privacy impacts, he expressed concerns about the enforcement of this condition should a subsequent

owner replace the window with clear glass. He suggested that the west side of the rear balcony be walled off to protect the privacy of the adjacent neighbor.

Commissioner Gibson asked about staff's rationale for recommending approval of the project. Planning Manager Lodan advised that staff has included additional conditions of approval which they believe adequately mitigate the project's impact on neighbors.

Commissioner Browning asked about the possibility of lowering the grade to reduce the height of the project. Mr. Belak-Berger stated that he could lower the building pad approximately 2 feet for a total reduction of 3-4 feet and reduce the FAR to 0.50, but such changes would be futile if the Commission is going to require a single-story design.

Chairperson Weideman invited public comment.

Steve Miller, 5316 Bindewald Road, stated that his family has owned this property since 1954 and they welcome the improvements to this property, which has been an eyesore for some time, but still have some concerns about this project. He reported that the project as proposed would intrude on the privacy of the backyard and block sunlight from two living room windows and one bedroom window from sunrise to mid-day. He stated that the subject lot is one of the largest lots on the hill in terms of usable space and he favored a one-story residence because even with a height reduction he would be looking at 25 feet of stucco.

June Lee, 5245 Vanderhill Road, stated that she really appreciated the effort made by the applicants to share information about the project, noting that this was the only time a neighbor has brought plans to her home. She reported that she lives directly below the project and is not impacted by it, but sympathizes with the concerns of Mr. Miller and his mother and hopes something can be done to reduce the impact on them. She stated that she was impressed with the project's 53-foot deep backyard because that means children will have a place to play.

Chairperson Weideman noted that a one-story residence could be built as close as 10 feet from the rear property line, and Ms. Lee indicated that she still would not be impacted due to vegetation at the rear of her property.

Ngocanh Nguyen, applicant, explained that she and her husband work seven days a week to provide a nice house for their children; that they want to live in Torrance and the children really want a two-story home; and that they paid a lot of money for this property with the intention of building a two-story home.

Commissioner Busch asked how many people will live in the home, since the application mentions that the applicants have a large family. Ms. Nguyen reported that 5 people will live in the home, she and her husband, their two children and her mother.

Mr. Belak-Berger reported that Mr. and Mrs. Le bought the property prior to the recession and paid a premium because they believed they could build a two-story home on it. He voiced his opinion that a one-story home would be worth less than the same sized two-story home because a two-story would have two levels of phenomenal views. He stated that he believed he could lower the overall height by approximately 4 feet, eliminate square footage to reduce the FAR to 0.50, and further mitigate privacy impacts by walling off or eliminating the rear balcony, but he wasn't sure that would make everybody happy. He stated that Mr. and Mrs. Le are outstanding citizens who came to the United States as refugees and expressed the hope that they would be able to build their two-story dream home.

In response to Chairperson Weideman's inquiry, Mr. Belak-Berger confirmed that he would like to continue the hearing so the project could be revised.

Commissioner Busch voiced support for a continuance.

Commissioner Browning indicated that he might be able to support the project with the proposed modifications.

Commissioner Skoll questioned how Mr. Miller feels about the proposed revisions.

Mr. Miller stated that he believed the project would still have quite an impact on his property even with the proposed revisions, noting that walling off the balcony would only enlarge the stucco wall facing his property.

Mr. Belak-Berger clarified that while the peak of the roof would be 25 feet high, the stucco wall facing Mr. Miller's property would be only about 19 feet.

Commissioner Horwich related his experience that in the majority of Mr. Belak-Berger's appearances before this Commission, he has come in with proposals that he knows will not be approved and then attempts to negotiate with the Commission from the floor.

In response to Commissioner Busch's inquiry, Planning Manager Lodan advised that the maximum height allowed for a one-story home per Code is 18 feet.

Commissioner Busch suggested that there might be more usable space in a 4000 square-foot one-story home as opposed to the same sized two-story home due to the space needed for the stairs/stairwell.

Mr. Belak-Berger stated that would not be the case because the resulting home would be very long and narrow, covering almost the entire lot, and an atrium would be needed to break up the mass.

MOTION: Commissioner Browning moved to continue the hearing to a date uncertain. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote (absent Commissioner Uchima).

12. **RESOLUTIONS** – None.

13. **PUBLIC WORKSHOP ITEMS** – None.

14. **MISCELLANEOUS ITEMS**

14A. **MODIFICATION OF PUBLIC NOTICE SIGNS**

Planning Manager Lodan noted that in response to a suggestion by a member of the public, the Commission had directed staff to look into the possibility of creating a more user-friendly public notice sign for Planning Commission hearings with a reference to the City's website so that additional information about a project could be accessed via the Internet. He explained that staff delayed taking action on this request because the City was in the process of changing the domain name of its website from www.TorrNet.com to www.TorranceCA.gov and now that this has been accomplished,

the web address of www.TorranceCA.gov/Planning will be added to public notice signs. Displaying a prototype, he explained that the web address will be tacked on to the bottom of the sign until the current supply of public hearing signs has been exhausted.

Chairperson Weideman recommended making the lettering for the website address a little larger when new signs are ordered.

15. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS

Planning Manager Lodan reported that at the June 23 City Council meeting, the Council approved an increase in fees charged by the Community Development Department so that the City can recover more of the costs associated with development projects.

In response to Chairperson Weideman's inquiry, Planning Manager Lodan advised that the increases will take effect on July 13, 2009.

16. REVIEW OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Lodan reviewed the agenda for the August 5, 2009 Planning Commission meeting.

17. ORAL COMMUNICATIONS #2

17A. Commissioner Busch noted that no one anticipated the situation that occurred during Agenda Item 11A regarding the potential conflict of interest and he was comfortable with the decision to recuse himself from the hearing because he believed it was very important to protect the integrity of the process. He commended Deputy City Attorney Sullivan and Planning Manager Lodan for their efforts to research this issue in a limited amount of time.

17B. Commissioner Busch, echoed by his fellow Commissioners, commended Chairperson Weideman for doing an excellent job of chairing his first meeting.

17C. Commissioner Skoll thanked staff for printing agenda items on both sides of the paper thereby saving a few trees.

17D. Commissioner Browning stated that he found it very difficult to recuse himself from the hearing on the Torrance Memorial expansion at the June 17 meeting, but believed it was the right thing to do. He explained that his wife is a paid employee of Torrance Memorial, even though she donates her earnings to charity; that he didn't decide to recuse himself until consulting with legal counsel at 4:30 p.m. on the day of the hearing; and that he never discussed the project with his wife until after the hearing.

17E. Commissioner Browning recommended that Commissioners send a copy to supervisors when communicating positive comments to staff members.

17F. Chairperson Weideman commented that he believed it was important that the Commission be "cleaner than Caesar's wife" and err on the side of caution when it comes to matters of ethics.

17G. Commissioner Weideman requested that a copy of Agenda Item 14 be provided to Pat Mooney, the resident who suggested the modification of the public notice sign.

17H. June Lee, Vanderhill Road, commended Planning Department staff, stating that every staff member she has ever dealt with has been very helpful and accommodating. She also commended staff and Commissioner Busch for their handling of the potential conflict of interest issue this evening.

17I. June Lee expressed concerns that no City tree has been planted in front of the recently remodeled residence at 5251 Zakon Road. Planning Manager Lodan advised that one tree is required for every 50 feet of street frontage and offered to check into this matter.

18. ADJOURNMENT

At 10:25 p.m., the meeting was adjourned to Wednesday, August 5, 2009, at 7:00 p.m.

Approved as Submitted August 5, 2009 s/ Sue Herbers, City Clerk
